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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No.4470 of 2007

PETITIONER		Vedu Ram sahu, aged about 61 years, s/o late Shri Ram Sahay Sahu - At present working as head Master, Govt. Middle School, Boida, Block Pali, Distt.Korba (C.G)
		Versus
RESPONDENTS	1.	State of Chhattisgarh, through the Secretary, Scheduled Castes & Scheduled Tribes Development Department, D.K.S. Bhawan, Mantralaya, Raipur, Distt. Raipur (C.G).
	2.	The Secretary, General Administration Department, D.K.S. Bhawan, Mantralaya, Raipur (C.G).
	3.	The Collector (Tribal Welfare), Korba (C.G)
	4.	Block development Officer, Kobra (C.G)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Jitendra Pali, counsel for the petitioner.

Shri Ku. Deepali Pandey, Panel lawyer for the State/ respondents on advance copy.

ORAL ORDER
(03.08.2007)

SUNIL KUMAR SINHA, J.

Heard finally with the consent of the parties.

The petitioner who is working as Headmaster, Government Middle School, Boida has challenged the validity of his transfer order dated 21.7.2007 (Annexure P-1) whereby he has been transferred from Boida to Sirmina.

Referring to the contents of Annexure P-2, learned counsel for the petitioner argues that the date of birth of the petitioner is 01.7.1946, according to which, he is to retire w.e.f. 30.6.2008. He refers to the transfer policy dt. 13.6.2007 (Annexure P-3) and submits that since less than one year is left for retirement of the

petitioner, therefore, according to Clause 7 of the said Policy framed by the Government, the petitioner should not have been transferred. The contents of Class 7 of the Policy read as under:

> "7. जिन शासकीय सेवकों की सेवानिवृत्ति के लिए 1 वर्ष का समय शेष रह गया हो, उन्हें गृह जिले में अथवा उनके विकल्प के जिले में पदस्थ किया जा सकेगा, यदि सामान्य पुस्तक परिपत्र के अनुसार यह अनुज्ञेय हो।"

After going through the petition as also the contents of the Policy and after considering the date of superannuation of the petitioner, in the opinion of this Court, ends of justice would be served if the petitioner is directed to file a representation before the concerned authority invoking Clause 7 of the Policy framed vide Annexure P-3.

Accordingly, it is directed that the petitioner shall file a detailed representation before the concerned authority within a period of 3 weeks from today alongwith a copy of this order and copy of writ petition raising his grievance and if such a representation is filed, the concerned authority shall dispose of the same as early as possible preferably within a period of 2 months from the date of said representation.

It is further directed that in the meanwhile, the petitioner shall not be relieved from his present place of posting i.e., Boida and shall be allowed to continue there.

With the above direction/observations this petition stands finally disposed of.

C.c. as per rules.

Sd/-
Sunil Kumar Sinha
Judge

Rao